

OPEN MEETING

MEETING OF THE GOLDEN RAIN FOUNDATION
COMPLIANCE AD HOC COMMITTEE

Monday, April 3, 2023 - 1:30 p.m.
24351 El Toro Road, Laguna Woods, California 92637
Community Center – Sycamore Room/Virtual

NOTICE AND AGENDA

1. Call to Order Bunny Carpenter
 2. Approval of the Agenda Bunny Carpenter
 3. Approval of the Report from March 8, 2023 Bunny Carpenter
 4. Chair's Remarks Bunny Carpenter
 5. Member Comments Bunny Carpenter
Laguna Woods Village owners/residents are welcome to participate in all open committee meetings and submit comments or questions regarding virtual meetings using one of two options:
 1. Join the committee meeting via a Zoom link <https://us06web.zoom.us/j/89671074866> or by calling 669-900-6833. Access code: 896 7107 4866
 2. Via email to meeting@vmsinc.org any time before the meeting is scheduled to begin or during the meeting. Please use the name of the committee in the subject line of the email. Name and unit number must be included.
 6. Response to Member Comments Bunny Carpenter
- Items for Discussion and Consideration:
7. Appeal Policy Blessilda Wright
 8. Nuisance Policy Blessilda Wright
 9. Executive Hearings Committee Resolution Blessilda Wright
 10. Harassment Policy Blessilda Wright
- Concluding Business:
11. Committee Member Comments
 12. Future Agenda Items
 - a. Resolution 90-04-72 Update
 - b. Disciplinary Violations Matrix
 13. Adjournment
 14. Date of Next Meeting: To be determined

*A quorum of the GRF Board or more may also be present at the meeting.

Bunny Carpenter, Chair
Blessilda Wright, Staff Officer
(949) 268-2255



OPEN MEETING

**MEETING OF THE GOLDEN RAIN FOUNDATION
COMPLIANCE AD HOC COMMITTEE**

Wednesday, March 8, 2023 - 9:30 A.M.

**Laguna Woods Village Community Center- Cypress Room/Virtual
Meeting 24351 El Toro Road, Laguna Woods, CA 92637**

MEMBERS PRESENT: Bunny Carpenter- Chair, Juanita Skillman, Joan Milliman, Reza Karimi; Mark Laws and Cris Prince

MEMBER ABSENT: Maggie Blackwell and Pearl Lee (excused)

STAFF PRESENT: Blessilda Wright, Jacob Huanosto and Ruby Rojas

CALL TO ORDER

Bunny Carpenter, Chair, called the meeting to order at 9:34 a.m.

APPROVAL OF THE AGENDA

Chair Carpenter made a motion to approve the agenda.

Without objection, the agenda was approved.

APPROVAL OF THE REPORT FROM FEBRUARY 17, 2023

Chair Carpenter made a motion to approve the report from February 17, 2023.

Without objection, the report was approved.

CHAIR'S REMARKS

None.

MEMBER COMMENTS

None.

RESPONSE TO MEMBER COMMENTS

None.

ITEMS FOR DISCUSSION AND CONSIDERATION

7. Schedule of Monetary Penalties

Mr. Jacob Huanosto, Compliance Coordinator gave an overview of the "Schedule of Monetary Penalties". The Committee members made comments and asked questions.

The Committee directed staff to update the "Schedule of Monetary Penalties" with the following changes: add Mutual Fifty to #3, file and provide the document to the Finance Committee for processing and acknowledgement.

Blessilda Wright entered the meeting at 9:26 a.m.

Jacob Huanosto exited the meeting at 9:26 a.m.

8. Appeal Policy

Ms. Blessilda Wright, Compliance Supervisor, gave an overview of the Appeal Policy. The Committee members made comments and asked questions.

The Committee tabled the item to the next meeting and made the following changes:

- **I. Purpose:** remove quotation marks from: GRF and Board; include (Policy) to the end of Appeal Policy;
- **II. Definitions:** section a change reviews Members requests to review Members' requests.
- **III. Conditions:** changed the first sentence to Non-disciplinary decisions made by the Board in Open Session are subject to one (1) appeal.

9. Nuisance Policy

Ms. Wright gave an overview of the Nuisance Policy. The Committee members made comments and asked questions.

The Committee tabled this item to the next meeting and made changes to the following:

- **II. Definitions-** Section c: add Trust Agreement
- **II. Definitions-** Section g and h: add Mutual Fifty
- **Private Nuisance-** the last sentence will replace: manor with GRF facilities.
- **1. Noise:** replace the word: biting with barking.
- **2. Odors:** add other before smoke odors; add such as but not limited to before cigarettes; and remove strong orders from e-cigarettes or vaping devices, etc.
- **3. Violation of Laws:** remove which are registered or unregistered.

10. Executive Hearings Resolution and Charter

Ms. Wright gave an overview of the Executive Hearings Resolution. The Committee members made comments and asked questions.

The Committee tabled this item to the next meeting and made changes to the following:

- **Title-**include Hearings
- **Whereas-** remove or of the Mutual of such Mutual Member, qualifying member, co-occupant, Tenant, and their Guests in the first-paragraph.
- **Whereas-** remove as a Committee of the Whole second-paragraph.
- **Now Therefore Be It Resolved-**
 1. change Comprised of 3 Directors and 1 Alternate-Director.

11. Harassment Policy

Ms. Wright gave an overview of the Harassment Policy. The Committee members made comments and asked questions.

The Committee selected version 1, tabled this item to the next meeting and made changes to the following:

- **Header-** update the Logo Header to reflect Golden Rain Foundation's.
- **I. Purpose-** remove Village Management Services ("VMS") and any mention in the document;

add s to requires and remove the a

- add or to Harassment, abuse and/ or intimidation is strictly prohibited in the community, in the first-paragraph; a

add its fifth-paragraph to read: This policy has been adopted by the boards of directors of GRF exercise its duties to maintain...

- **II. Definitions:** section d remove or VMS boards of directors; section e add Trust Agreement; section h add shareholder; and section k remove authorized to act on behalf of GRF.
- **III. Conditions for Harassment:** section c remove United mentioned three times and are considered housing providers and as such.

CONCLUDING BUSINESS:

Committee Member Comments

None.

Future Agenda Items

- a. Resolution 90-40-72 Update
- b. Disciplinary Violation Matrix

Date of Next Meeting

Monday, April 3, 2023 at 1:30 p.m.

Adjournment

With no further business before the Committee, the Chair adjourned the meeting at 11:18 a.m.

Bunny Carpenter

Bunny Carpenter- Chair

STAFF REPORT

DATE: April 3, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Appeal Policy

RECOMMENDATION

Staff recommends the amendment of the Appeal Policy.

BACKGROUND

On October 7, 2008, the Golden Rain Foundation (GRF) Board of Directors (Board) adopted an Appeal Policy (Resolution 90-08-69) to set forth guidelines for members to appeal the denial of requests made to committees.

On September 01, 2015, the Board amended the Appeal Policy for Resident Members Requests changing #2 in the appeal process from will to shall (Resolution 90-15-47).

Civil Code Section §4765 provides that decisions made by the Board or by a committee having the same composition as the Board relating to a member's architectural and/or landscape request that occur in an Open Session Board meeting in compliance with the requirements of Civil Code §4900 et seq. (the Open Meeting Act) may be final, without the right of a Member to appeal said decision.

The purpose of the Appeal Policy is to set forth guidelines for appeals of certain decisions made by the Board, Committees, or Management on Recreation and Special Events Department matters as well as decisions made regarding Member discipline and reimbursement to GRF by Members for expenses incurred by GRF for which the Member is responsible, including without limitation when applicable, legal fees and costs.

On February 17, 2023, the Compliance Ad Hoc Committee reviewed the current Appeal Policy and directed staff to amend the current policy to allow for Appeals and align with Third Laguna Hills Mutual Appeal Policy.

On March 8, 2023, the Committee reviewed the proposed Appeal Policy and made changes.

DISCUSSION

The Committee reviewing the changes to the Appeal Policy.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Appeal Policy - draft



Appeal Policy Resolution 90-23-XX; Amended

I. Purpose

Golden Rain Foundation of Laguna Woods (GRF), requires a Member to seek approval from the Board of Directors (Board) on matters of Corporate business by way of the committee structure for review of a question that will ultimately be determined by the Board. Such committees forward recommendations regarding Members' requests to the Board for consideration, and if the proposed request is disapproved, then such decision may be subject to appeal to the Board by the Member.

The purpose of this document is to set forth the Appeal Policy (**Policy**). This includes, but not limited to, decisions made regarding recreation and special events, mobility & vehicle, disciplinary, occupancy and membership.

II. Definitions

For the purposes of this policy:

- a. Committee is a group of individuals appointed by the Board for a specific function. For example, the Community Activities Committee; and Mobility and Vehicles Committee review Members' requests for nonstandard changes and make recommendations to the Board for approval or denial.
- b. Community Rules - the Articles of Incorporation and Bylaws of GRF, the Trust Agreement; and any rules and regulations adopted by GRF. Any reference to the "Governing Documents" shall, for purposes of this Policy, be deemed a reference to the Community Rules set forth in this definition.
- c. Executive Session is defined as a closed meeting of the Board to address disciplinary/confidential matters.
- d. Member is defined as any person entitled to membership in GRF.
- e. Open Meeting Act is defined as a meeting open to the Members of GRF.
- f. Subject Matter Expert ("SME") is defined as the Staff Member with the highest level of expertise in the specialized job, task, or skill.

III. Conditions

Non-disciplinary decisions made by the Board in Open Session are subject to **one** appeal.

Decisions made by the Board in Open Session:

- a. All decisions including other matters of corporate business by the Board made in meetings that satisfy the Common Interest Development Open Meeting Act may be subject to appeal.

Golden Rain Foundation of Laguna Woods
Appeal Policy
Resolution 90-23-XX

- b. Notwithstanding the foregoing, if new information is brought to the Board's attention relating to a matter previously decided by the Board, the Board may, in its sole discretion, revisit such decision due to extraordinary circumstances, but it shall have no obligation to do so and no Member shall be entitled to such reconsideration as a matter of right. The SME will review any extraordinary circumstances for consideration if submitted within 30 days in writing from the Board's determination.

Decisions made by the Board in Executive Session are subject to appeals. The Executive Hearing Committee makes decisions on disciplinary/confidential matters including occupancy, violations of governing documents and membership decisions in Executive Session.

IV.Procedure

- a. Within 30 days of receipt of a written decision by either the Board or Executive Hearing Committee relating to Member discipline or a Committee decision, made at a meeting, the Member may appeal the decision by submitting a request in writing and as applicable providing new or different information, as to why the Member believes the committee made a wrong decision.
- b. No reconsideration request will be considered by the Board after one (1) year from the date of the original, final decision by the Board

STAFF REPORT

DATE: April 3, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Nuisance Policy

RECOMMENDATION

Approve the amended Nuisance Policy.

BACKGROUND

On October 1, 2019, the Board of Directors adopted a Harassment and Nuisance Policy (Resolution 90-19-47) to set forth guidelines and address alleged violations of Harassment and/or Nuisance that occurs in GRF facilities. Previously, language for Nuisance violations was included with the Recreation and Special Events Department policies.

On October 5, 2021, the Board of Directors revised the Harassment and Nuisance Policy (Resolution 90-21-36) to reflect changes to State Law, introduce concepts of decorum and harassment based on protected classes, and outline the processes for investigation of allegations and Board Member or Committee Member discipline.

On June 7, 2022, the Board of Directors approved an Inter-Board Anti-Harassment, Anti-Abuse, and Anti-Intimidation Policy and Formation of a Joint Hearing Body. The policy and joint hearing body were approved for initial notification and have been postponed 28-days to comply with Civil Code §4360.

The rules enforcement program is coordinated by the Compliance Division under the Security Services Department.

On August 2, 2022, the Board of Directors approved the revised Nuisance Policy (Resolution 90-22-35) to set forth guidelines regarding the handling of nuisance complaints.

On January 27, 2023, the Compliance Ad Hoc committee directed staff to provide the Nuisance Policy for review.

On February 17, 2023, the committee directed staff to make changes to the Nuisance Policy which includes stating GRF properties, include The Towers Mutual No. Fifty and Location- GRF properties.

On March 8, 2023, the committee made additional updated to the Nuisance Policy.

DISCUSSION

The committee review and advise any additional updates to the Nuisance Policy.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Nuisance Policy Amended reline version



Nuisance Policy
Resolution 90-22-35, Adopted August 2, 2022
Resolution 90-23-XX, Amended [DATE]

I. Purpose

The purpose of this Nuisance Policy (Policy) is to set forth guidelines for the treatment and handling of nuisance complaints on Golden Rain Foundation (GRF) property, in accordance with the requirements of GRF's Governing Documents, as defined below, and the law.

II. Definitions

- a. Community – Laguna Woods Village.
- b. Golden Rain Foundation (GRF) – the Golden Rain Foundation, a California nonprofit mutual benefit corporation.
- c. Governing Documents – all of the following, collectively, the Trust Agreement, the Articles of Incorporation; the Bylaws; the Rules and Regulations; and any Resolutions or Policies duly adopted by the Board; all as may be lawfully amended or modified from time to time.
- d. Location – GRF properties
- e. Member – any person who is an owner of a Unit in United Laguna Woods Mutual (United) or Third Laguna Hills Mutual (Third) or The Towers Mutual No. Fifty (Mutual 50) who has been approved for membership in accordance with the Governing Documents.
- f. Nuisance – see details under Conditions.
- g. Resident – any person who has been approved by the Board of Directors, or its designee, as applicable, for occupancy of a manor within United or Third or Mutual 50's development.
- h. Staff - Employees of Village Management Services, Inc. authorized to act on behalf of GRF.

III. Conditions for Nuisance

Nuisance in General: Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. (Civ. Code § 3479)

Public Nuisance: A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Civ. Code § 3480)

Private Nuisance: A private nuisance is a condition or activity that interferes with an individual's use or enjoyment of their property. (Civ. Code § 3479, 3481)

Based upon the foregoing provision of the various statutory provisions, with regard to GRF, a nuisance shall be deemed to be anything that unreasonably interferes with another Member or Resident's use and enjoyment of his/her/their/they ~~manor~~ GRF facilities, as determined by the Board. Below are examples of activities that fall into a nuisance category; please note, however, that this is not an exhaustive list of potential nuisances, inasmuch as any activity that falls within the above definition of a nuisance shall be deemed a violation of GRF's Governing Documents:

1. **Noise:** Things that interfere with quiet enjoyment such as, Residents playing their music at an excessively loud volume, overly loud conversations, yelling or shouting, barking~~biting~~ dogs, ~~,~~excessively loud vehicles, etc. Excessive and overly loud characteristics are measured against what a reasonable person in the same or similar circumstance would consider to be excessive or overly loud.
2. **Odors:** This includes second-hand smoke or other smoke odors such as but not limited to {cigarettes, cigars, vaping matter/materials and marijuana.}, ~~strong odors from e-cigarettes or vaping devices, etc.~~ The word strong shall be measured against what a reasonable person in the same or similar circumstance would consider to be strong.
3. **Violation of Laws:** A violation of federal or state laws or local ordinances, including, without limitation, such violations as public nudity, brandishing weapons ~~which are registered or unregistered~~ at or in the presence of another Resident, the Resident's guest and invitees and/or a staff member or a Resident, the Resident's guest and invitees engaged in drug dealing (selling drugs for money or in exchange for some other form of remuneration) or prostitution.

IV. Nuisance Complaints and Investigation

A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division by calling 949-268-CALL or email to compliance@vmsinc.org. Staff will inform the reporting party to call the Security Department for documentation of the ongoing nuisance violation.

Investigating Alleged Nuisances: To determine whether or not a nuisance in violation of the Governing Documents is taking place or has occurred, Staff evaluates the alleged behavior, based upon the written complaint provided along with all of the information provided to support the complaint, and may further investigate the complaint before determining if the alleged behavior or nuisance activity in fact occurred, and whether the impact on other Members/Residents or units is deemed reasonable or unreasonable to an average reasonable person

similarly situated. This may include, without limitation, further conversations with the reporting party and neighbors.

If Staff determines that the alleged nuisance in violation of the Governing Documents has or may have occurred, a warning letter may be sent to the responsible Member and/or the Member may be sent a notice that the Member is being called to a disciplinary hearing before the Board or a committee thereof. At the disciplinary hearing, the Board will consider all evidence and documentation of the alleged nuisance violation, and the Member may speak and present evidence regarding the nuisance before the Board makes a decision on disciplinary action to be taken, if any.

V. Enforcement

GRF is authorized to take disciplinary action against any Member who may be found in violation of the Governing Documents, or Residents, tenants, or guests are found to be in violation of the Governing Documents. When a complaint is lodged regarding the occurrence of a violation, the Board of Directors has a duty to investigate and impose, if appropriate, discipline as set forth in the Governing Documents. Discipline shall be imposed, if at all, after a duly noticed disciplinary hearing in accordance with the requirements of statute and GRF's Governing Documents.

If a Member or such Member's unit/manor is found to have committed a nuisance violation as defined herein, the Board has the authority to impose monetary fines, suspend Member(s) privileges, and/or bring forth legal action, as more fully set forth in the Governing Documents, including without limitation the Schedule of Monetary Penalties, as may be revised from time to time. Each Member is entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the Community—this includes any co-occupant, lessee, guest, care provider, vendor, invitee or contractor.

STAFF REPORT

DATE: April 3, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Executive Hearings Committee

RECOMMENDATION

Staff recommends the committee adopt the Executive Hearings Committee Resolution.

BACKGROUND

The Board of Directors of Golden Rain Foundation ("GRF"), recognize the need to establish a Executive Hearings Committee for the sole purpose of holding disciplinary hearing matters.

The Executive Hearings Committee would act as an extension of the Board. The Committee is Chaired by the President of the Board or 1st Vice President or any Board Officer.

On March 8, 2023, the Compliance Ad Hoc Committee reviewed and made changes to the draft Executive Hearings Committee Resolution.

DISCUSSION

The Committee review the updates to the Executive Hearings Committee Resolution.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob M. Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Resolution 90-23-XX Executive Hearings Committee



**Establishment of an Executive Committee
for the Purpose of Hearing Disciplinary Matters
Resolution 90-23-XX; Adopted [DATE]**

WHEREAS, the Golden Rain Foundation ("GRF"), Bylaws, Section 4.4 Discipline or Suspension. 4.4.2 Disciplinary Action by Board: the Board may take disciplinary or suspension action against any Mutual Member, Qualifying Residents, Co-occupant, Tenant, and their Guests for breach of the Governing Documents, ~~or of the Mutual of such Mutual Member, qualifying Member, Co-occupant, Tenant, and their Guests.~~ Any disciplinary or suspension action authorized here under shall not act as a bar to the exercise of any other right or remedy

WHEREAS, GRF recognizes the need to establish an Executive Hearings Committee ~~as a Committee of the Whole~~ for the sole purpose of hearing disciplinary matters; and

NOW THEREFORE BE IT RESOLVED, DATE that the Board of Directors of this Corporation hereby establishes the Executive Hearings Committee with the full autonomy of for the sole purpose of hearing and acting on disciplinary hearing matters; the Executive Hearings Committee composition as follows:

1. Comprised of 34 Directors and 1 alternate Director;
2. Address alleged violations of GRF Governing Documents and on GRF property;
3. To hold the meeting monthly as needed; and

RESOLVED FURTHER, that the officers and agents of this Corporation are directed on behalf of the Corporation to carry out this resolution.

STAFF REPORT

DATE: April 3, 2023
FOR: Compliance Ad Hoc Committee
SUBJECT: Harassment Policy

RECOMMENDATION

Staff recommends to adopt the Harassment Policy.

BACKGROUND

On October 1, 2019, the Board of Directors adopted a Harassment and Nuisance Policy (Resolution 90-19-47) to set forth guidelines to address alleged violations of harassment and/or nuisance that occurs in GRF facilities. Previously, language for nuisance violations was included with the Recreation and Special Events Department policies.

On October 5, 2021, the Board of Directors revised the Harassment and Nuisance Policy (Resolution 90-21-36) to reflect changes to state law, introduce concepts of decorum and harassment based on protected classes, and outline the processes for investigation of allegations and Board Member or Committee Member discipline.

On June 7, 2022, the Board of Directors approved an Inter-Board Anti-Harassment, Anti-Abuse, and Anti-Intimidation Policy and Formation of a Joint Hearing Body. The policy and joint hearing body were approved for initial notification and have been postponed 28-days to comply with Civil Code §4360.

On September 6, 2022, the GRF Board of Directors unanimously adopted the Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy and authorize the formation of a Joint Hearing Body (Resolution 90-22-39). The Anti-Harassment, Anti-Abuse and Anti-Intimidation Policy replaced and incorporated the Harassment Policy (Resolution 90-21-36).

The rules enforcement program is coordinated by the Compliance Division under the Security Services Department.

On March 8, 2023, the Compliance Ad Hoc Committee approved and reviewed version 1 of the Harassment Policy. The committee made updates to the policy.

DISCUSSION

The committee reviewed the updates to the Harassment Policy.

FINANCIAL ANALYSIS

None.

Prepared By: Blessilda Wright, Compliance Supervisor

Reviewed By: Jacob Huanosto, Compliance Coordinator

ATTACHMENT(S)

Attachment 1: Harassment Policy



Harassment Policy
Resolution 90-22-39; Adopted September 6, 2022 and
Resolution 01-22-73; Adopted November 8, 2022
Resolution 90-23-XX, Amended Month DD, 2023

I. Purpose

The Board of Director (Board) of the Golden Rain Foundation (GRF); ~~and Village Management Services (VMS)~~ require a clear and consistent policy to address claims of harassment, abuse and intimidation. Harassment, abuse and/or intimidation ~~are~~ strictly prohibited in the community. This Harassment Policy (Policy) provides guidance relative to such behavior.

This policy applies to:

- a. Members;
- b. Residents;
- c. GRF, ~~and VMS board directors~~ Board and advisors; and
- d. Member or resident guests.

The claims of harassment, abuse and/or intimidation may be against:

- a. Members;
- b. Residents;
- c. GRF ~~and VMS board of directors~~ Board and advisors;
- d. Member or resident guests; and
- e. VMS employees.

VMS investigates incidents of harassment, abuse and/or intimidation from an employer's standpoint pursuant to the VMS Anti-Harassment Policy, and by necessary implication, there will be overlap when an employee is harassed by any of the foregoing and vice-versa.

This Policy has been adopted by the ~~board of directors of~~ GRF Board to exercise ~~its~~their duties to maintain, protect and enhance the value and desirability of Laguna Woods Village and the interests of all of its members.

II. Definitions

- a. Abuse - See details under Conditions for Abuse.
- b. Community - Laguna Woods Village, including, but not limited to, the community center, gate houses, clubhouses and amenities.
- c. Claimant - Member, resident, board member, advisor, member or resident guest who submits a claim of alleged harassment, abuse and/or intimidation (claim) involving member, resident, board member, advisor, member or resident guest, and/or employee.
- d. Director - A board member from GRF or VMS boards of directors.
- e. Governing documents - All of the following, collectively: the Trust Agreement, Articles of Incorporation, Bylaws, rules and regulations, and resolutions or

policies duly adopted by boards of directors of GRF; all as may be lawfully amended or modified from time to time.

- f. Harassment - See details under Conditions for Harassment.
- g. Intimidation - See details under Conditions for Intimidation.
- h. Member - any person who is an owner/shareholder of a Unit in United Laguna Woods Mutual (United) or Third Laguna Hills Mutual (Third) or The Towers Mutual No. Fifty (Mutual 50).
- i. Resident - An approved occupant of a residence in Laguna Woods Village.
- j. Respondent - Member, resident, board member, advisor, member or resident guest, or employee who is the subject of harassment, abuse and/or intimidation claim.
- k. Staff - Employees of VMS ~~authorized to act on behalf of GRF.~~

III. Conditions for Harassment

Below are various definitions and descriptions of harassment under both federal and California law:

- a. Federal law: Under federal law, “harassment” is defined to mean “a serious act or a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose” (18 U.S.C.A. §1514[d][1][B]).
- b. California law: California Law: California defines “harassment” as unlawful violence, a credible threat of violence or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys or harasses that person, and that serves no legitimate purpose (Code of Civil Procedure §527.6[b][3]).
- c. Department of Housing and Urban Development (HUD) “Final Rule”: Recent federal regulations/guidelines enacted by the Department of Housing and Urban Development (HUD) impose certain obligations on GRF ~~and United~~ with regard to the investigation and treatment of reported harassment. The new guidelines, adopted in August 2016, were enacted in an effort to further define and address housing discrimination in the form of harassment. In that regard, HUD’s new guidelines now deem any form of harassment in housing or within housing developments a form of illegal discrimination. Based on HUD’s guidelines, homeowners’ associations, including GRF ~~and, United, are considered housing providers, and as such is~~are required to evaluate alleged harassment to investigate whether a resident is being subjected to harassment to the extent that it may amount to illegal housing discrimination. Pursuant to the guidelines, GRF ~~and United are~~is required to investigate all reported claims of potential harassment of residents and, as appropriate, take all action permitted under the governing documents to address such harassing behavior (24 CFR 100.600).

IV. Conditions for Abuse

Below are various definitions and descriptions of abuse under both federal and California law:

- a. Federal law: Under federal law, “abuse” is defined to mean “the knowing infliction of physical or psychological harm or the knowing deprivation of goods

or services that are necessary to meet essential needs or to avoid physical or psychological harm” (42 USC §1397[j]).

- b. California law: Under California law, “abuse” includes, but is not limited to, intentionally or recklessly causing or attempting to cause bodily injury, sexual assault and placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another. Abuse is not limited to the actual infliction of physical injury or assault (Family Code §6203). For purposes of this Policy, “abuse” also includes conduct that creates a hostile work environment as defined under California law.

V. Conditions for Intimidation

Below are various definitions and descriptions of intimidation under both federal and California law:

- a. Federal law: Under Federal law, “intimidation” is defined to mean “a serious act or course of conduct directed at a specific person that (i) causes fear or apprehension in such person; and (ii) serves no legitimate purpose” (18 USC §1514[d][1]).
- b. California law: Under California law, the definition of “intimidation” was noted “to make timid or fearful; to inspire or affect with fear; to make fearful; to frighten ... to deter, as by threats. ...” (In re Bell, 19 Cal. 2d 488, 122 P.2d 22 [1942][dissent]).

VI. Examples of Harassment, Abuse and/or Intimidation

Examples of harassment, abuse and/or intimidation in community, subject to review and interpretation by committee, may include:

- a. Physical intimidation;
- b. Threatening bodily harm or to harm one’s property;
- c. Discriminatory shouting and yelling;
- d. Stalking, such as following someone around to intimidate or “make a point”;
- e. Disrupting organized activities in progress, including board and committee meetings;
- f. Entering the second floor of the community center without escort or pass with intent to disrupt operations;
- g. Interfering, instructing or otherwise disrupting the work of vendors or staff;
- h. Unreasonable, hostile and/or telephone calls and/or emails without a legitimate purpose to a resident, vendor or staff;
- i. Disparaging someone;
- j. Humiliating someone; and/or
- k. Other behavior that the ordinary person would find unreasonable and/or threatening.

~~VII. INVESTIGATION OF ALLEGATIONS~~

~~When an alleged Harassment report is submitted, the Board will review the matter at an executive Board meeting and make a reasonable business judgment decision based on the information in the report, whether the allegations, if true, constitute a Neighbor-to-Nighbor Dispute, Harassment, another violation of the Governing Documents or otherwise. The Board may request further documents or evidence of~~

~~the dispute or complaint, call one or more complaining parties to a Board meeting, and confer with other Residents, GRF Members, Staff, Vendors or legal counsel as part of its investigation of the matter.~~

~~The Board reserves the right to take any action necessary or to not take any action if, in its discretion, it concludes the allegations do not violate the Governing Documents or relevant law. Investigations may include an investigation by a third-party investigator. GRF will take reasonable steps to mitigate and/or eliminate any continuing abusive or hostile work environment.~~

VII. Reporting Harassment, Abuse and/or Intimidation Claims

To report a claim, members; residents; GRF, United and VMS board directors and advisors; member and resident guests; and/or VMS employees may contact:

- a. Security Department
 - i. By telephone: 949-580-1400
- b. Compliance Division
 - i. By telephone: 949-268-2255; or
 - ii. Via email: compliance@vmsinc.org

Staff may inform the claimant to call the Security Department for documentation of the reported harassment, abuse and/or intimidation. Staff may also inform the claimant to call the Orange County Sheriff's Department (OCSO) if harassment, abuse and/or intimidation occur.

VIII. Enforcement

A. General

1. GRF is authorized to take disciplinary action against a GRF Member if they or their Resident, co-occupant, tenant, guest or invitee violates the Governing Documents. GRF may take any lawful action against anyone it determines has committed Harassment within the Community and while using the amenities.
2. The Board has the discretion to determine which actions are violations of this Policy and which actions do not require further action by GRF.
3. This Policy does not apply to activities within the areas governed by the Housing Mutuals and GRF will not pursue such issues within those areas.
4. The Board may, after a hearing, impose monetary fines, suspend the GRF Member(s) privileges and/or initiate legal action. GRF Member(s) are entirely responsible for ensuring that the Governing Documents are followed by anyone they allow into the community. This includes any co-occupant, tenant, guest or other invitee.

B. Board Member or Committee Member Discipline

1. The Board may take disciplinary actions against a GRF Director or Committee member who violates this Policy. Prior to taking any disciplinary action, the Board's officers and legal counsel shall review the evidence and investigate the alleged violation.

2. If it is determined that this Policy has been violated, legal counsel will notify the Director or Committee member in writing and copy the Compliance Division of the violation and instruct the Compliance Division to provide a 10- day Notice of Hearing to the Director or Committee member. Following the hearing by the Board, the Director or Committee Member will be notified of the Board's decision regarding any disciplinary action.
3. Such disciplinary action may include removal of the Director or Committee Member from all Committees. If the disciplined Committee Member was appointed to the Committee(s) by a Housing Mutual pursuant to Section 7.3 of the Bylaws, the Board may request that the President of the Housing Mutual immediately remove the Committee Member from all Committees. Failure of the President of the Housing Mutual to remove the Committee Member upon request may result in a demand to the Housing Mutual's board of directors that such Committee Member be removed from all Committees.
4. If the conduct of the Director or Committee Member also violates GRF's Code of Ethics Policy, additional disciplinary action may be taken against that Director or Committee Member in accordance with the Code of Ethics Policy.

C. Neighbor-to-Neighbor Dispute

1. Resolution 90-04-72, adopted October 5, 2004, by the Board established a member discipline process for the purpose of holding disciplinary hearings in a timely manner and ensuring progressive discipline. The Board is obligated to evaluate and impose if appropriate, member discipline under its Bylaws and §5855 of the Davis-Stirling Act.
2. The GRF Member disciplinary process is coordinated by the Compliance Division. A complaint may be registered by calling the Security Department at 949-580-1400 or the Compliance Division at 949-268-CALL or via email at compliance@vmsinc.org.

D. Third-Party Dispute

1. By way of the initial investigation, should Staff identify objective evidence of a violation by a GRF Member or their Resident or guests, Staff will send a letter to the offending party describing the allegation(s) and the disciplinary action that may ensue if not corrected.

IX. VMS Harassment by Board Member, Committee Member or Advisor

VMS has a legal obligation to provide its Employees with a workplace free from any type of inappropriate conduct by Directors, Committee Members and/or advisors. Complaints of a violation of this policy toward Employees may be submitted in writing to VMS' Director of Human Resources and the Board President. If the situation is an emergency requiring intervention, call the Security Department.

Staff will report the violation to the Board President and the Compliance Division for further action.